(3)

Proof

IN THE HIGH COURT OF JUDICATURE AT BILASPUR(C.G.)

W.P.NO. 2174 OF 2003.

PETITIONER ; Tarun Verma, aged about 17 years (minor) s/o. Shri S.K. Verma, R/o New Aadarsh Nagar Borsi Road Durg. Distt. Durg (C.G.) through his Natural Guardian (Father) Shri S.K. Verma, son of Shri D.R. Verma, aged about 44 years, resident of New Aadarsh Nagar, Borsi Road, Durg, Distt. Durg (CG)

P. R. No. 2026/03
Presented by Shri P. P. Saini
dated 21.03.03

VERSUS

RESPONDENTS :1. The State of Chhatisgarh, through the Secretary Department of School Education Mantralay, D.K.S. Building , Raipur (C.G.)

2. The Secretary , Board of Secondary Education, Chhattisgarh, Raipur Tah. & Distt. Raipur (Chhattisgarh)

3. The Principal, B.N.S. English Medium Higher Secondary School Sector 8 Bhilai Distt. Durg. (C.G.)

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21/3
for A.G. BILASPUR

WRIT PETITION UNDER ARTICLES 226/227 OF THE CONSITITUTION OF INDIA

(14)

HIGH COURT OF JUDICATURE CHHATTISGARH: BILASPUR (C.G.)

SINGLE BENCH:* HON'BLE SHRI L.C. BHADOO, J

WRIT PETITION NO.2174 OF 2003

O R D E R

POST IT FOR: /3/4/08/2003

Sd/-
L.C. Bhadoo
Judge

(15)

HIGH COURT OF JUDICATURE CHHATTISGARH: BILASPUR

SINGLE BENCH: HON'BLE SHRI L.C. BHADOO, J

WRIT PETITION NO.2174 OF 2003

Tarun Verma

VERSUS

State of Chhattisgarh and others

Present: Mr. P.P. Sahu, Advocate for the petitioner
Miss Sharmila Singhai, Dy. Govt. Advocate, for the State/respondent.

O R D E R

(Passed on 13th of August 2003)

The petitioner has preferred this petition under Article 226/227 of the Constitution of India for seeking an order from this Court to command the respondents to produce the entire answer sheets of the petitioner and to direct them to recheck the same in presence of the petitioner and to direct the respondents that after revaluation of all the answer sheets fresh mark sheet be issued.

(2) Petitioner's petition is that he appeared in Class-XII examination of 2003 conducted by respondent No.2. The petitioner is still in shock because the marks awarded to him was not satisfactory and accordingly to the petitioner he has correctly answered all the questions of each subject and he was fully confident that he would not get below 75 to 80% marks. The petitioner apprehends that his answer sheets have not been evaluated properly. The petitioner is one of the very

brilliant and extra ordinary intelligent student of respondent No.3 and he had always been awarded good marks in all the examinations. In the academic year 2000-2001 the petitioner appeared in Class-X Board Examination as a regular student and he secured distinction in three subjects. Out of total 500 marks the petitioner secured 350 marks. A copy of the mark sheet is annexed as Annexure-P/1 to the petition. The petitioner secured 94% marks. While the petitioner was studying in Class-XII he devoted himself in his studies and not a single minute spent in other activities. He had worked hard and prepared well for appearing in the Class-XII examination and the marks secured by the petitioner has been mentioned in Annexure-P/2 - the mark sheet. After declaration of the result the petitioner approached respondent No.2 and requested for rechecking of all the answer sheets in his presence for which he is ready to pay the requisite fee, but the respondent authority had not paid any heed to the request of the petitioner and orally stated that there is no provision in the Board for revaluation of the answer sheets and the instructions can be perused on the overleaf of the mark sheet.

(3) I have head learned counsel for the petitioner. Learned counsel appearing for the petitioner submitted that the petitioner being a brilliant student and as he has worked hard but his answer sheets were not valuated properly. As such the marks which has been awarded to the petitioner is much less than the petitioner was expecting. He further submitted that respondent No.2 has refused to revaluate the answer sheets on the ground that there is no provision for revaluation of the answer sheets.

(4) The jurisdiction of this Court under Article 226 of the Constitution of India is an extra ordinary jurisdiction. The provision, if any,

exists for re-valuation of the answer sheets and the concerned authorities are not acceding the request of the petitioner for revaluation of the answer sheets, then the petitioner has a right to ask for revaluation. But where there is no provision regarding the revaluation of the answer sheets, in that case in order to seek the remedy under Article 226 of the Constitution of India the petitioner has to make out a strong and exceptional case to show that the evaluating person has committed an error which is apparent from the facts. That can be ascertained looking to the previous academic career of the petitioner. Looking to the previous academic career in the examination and the marks awarded to the petitioner shows that some unusual thing has happened and the answer sheets of the petitioner has not been evaluated properly.

(5) If we look into the record of the petitioner which has been made basis by the petitioner in the Class-X examination the petitioner obtained 59 marks in English where as in the present examination he secured 68 marks, in Hindi the petitioner in the previous examination had secured 37 marks out of 50 and this year he obtained 67 out of 100, in Mathematics he had obtained 94 marks in the previous and this year he has secured 67 and in Physics he had obtained 78 marks and this examination he has secured 74 marks. In the Social Science he has obtained 62 marks in the previous year and this year he has secured 63 marks.

(6) Looking and comparing with the two mark sheets of the petitioner prima facie it cannot be said that looking to the academic career of the petitioner this year the marks awarded to the petitioner are so low or the difference between the two years is such which makes the things apparent that the marks which were awarded in this examination are not reasonable. The marks obtained by the petitioner in both the examinations are almost identical and expected level. Therefore, the petitioner has not been able to make out an exceptional case in order to obtain an order from

this Court for revaluation of the answer sheets. Therefore, I am of the opinion that no case is made out for issuance of any writ or direction in favour of the petitioner.

(7) In the result, the petition has no merit. The same is liable to be dismissed and it is accordingly dismissed.

Sd/-
L.C. Bhadoo
Judge

18/8/03